

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JUDY MELLICHAMP,  
Plaintiff pro se,

v.

WELLS FARGO BANK, N.A.,  
FREMONT INVESTMENT &  
LOAN, and ASSENT  
MORTGAGE CORP.,  
Defendants.

CIVIL ACTION NO.  
1:09-MI-00084-WEJ

**ORDER**

Plaintiff pro se, Judy Mellichamp, seeks to sue Wells Fargo Bank, N.A., Fremont Investment & Loan, and Assent Mortgage Corp. for alleged violations of the Truth in Lending Act, 15 U.S.C. § 1601, et seq., and the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601, et seq. (See generally Complaint [2].) Ms. Mellichamp has filed an Affidavit in Support of Request to Proceed In Forma Pauperis [1].

This Court may grant Ms. Mellichamp leave to proceed in forma pauperis only if it appears from his financial affidavit that she “is unable to pay” the filing fee. 28 U.S.C.A. § 1915(a)(1). A review of her financial affidavit reveals that she is self-employed and earns \$2,250 monthly. (Mellichamp Aff. ¶ 3.) She has no dependants, owns a home, a car, and has an IRA (\$2,000). (Id. ¶¶ 5-7.) Ms. Mellichamp also avers

that she has \$5,000 in her checking account. (Id. ¶ 8.) According to Ms. Mellichamp, she owes a total debt of \$23,290, and her monthly household expenses and debt service is \$1,425, excluding food, gas, and medical expenses. (Id. ¶ 12.) Because Ms. Mellichamp's income and checking account greatly exceed her monthly household expenses and debt service, the Court concludes that she is able to pay the \$350 civil action filing fee. Consequently, the Court **DENIES** Ms. Mellichamp's request to proceed in forma pauperis [1].

For the reasons stated above, the undersigned

**DENIES** Ms. Mellichamp's request to proceed in forma pauperis [1], and

**DIRECTS** Ms. Mellichamp to pay the \$350 filing fee within thirty (30) days of the date of this Order. The Court will recommend dismissal of this case for want of prosecution if Ms. Mellichamp does not comply with this Order. See N.D. Ga. R. 41.3(A)(2) ("The court may, with or without notice to the parties, dismiss a civil case for want of prosecution if . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case . . .").

The Court **DIRECTS** the Clerk to resubmit this case after the expiration of the thirty (30) day period.

**SO ORDERED**, this 24th day of March, 2009.

  
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WALTER E. JOHNSON  
UNITED STATES MAGISTRATE JUDGE